

MICHIGAN DEPARTMENT OF COMMUNITY HEALTH
CERTIFICATE OF NEED (CON) REVIEW STANDARDS
FOR AIR AMBULANCE SERVICES

(By authority conferred on the CON Commission by Section 22215 of Act No. 368 of the Public Acts of 1978, as amended, and sections 7 and 8 of Act No. 306 of the Public Acts of 1969, as amended, being sections 333.22215, 24.207 and 24.208 of the Michigan Compiled Laws.)

Section 1. Applicability

Sec. 1. (1) These standards are requirements for approval and delivery of services for all projects approved and Certificates of Need issued under Part 222 of the Code which involve air ambulance services.

(2) Air ambulance is a covered clinical service for purposes of Part 222 of the Code.

(3) The Department shall use sections 3, 4, 5, 6, ~~7~~, and 9, as applicable, in applying Section 22225(1) of the Code, being Section 333.22225(1) of the Michigan Compiled Laws.

(4) The Department shall use Section 8, as applicable, in applying Section 22225(2)(c) of the Code, being Section 333.22225(2)(c) of the Michigan Compiled Laws.

(5) THE DEPARTMENT SHALL USE SECTION 7, IN APPLYING SECTION 22215(1)(B) OF THE CODE, BEING SECTION 333.2215(1)(B) OF THE MICHIGAN COMPILED LAWS.

Section 2. Definitions

Sec. 2. (1) As used in these standards:

(A) "ACQUISITION OF AN EXISTING AIR AMBULANCE SERVICE" MEANS OBTAINING POSSESSION AND CONTROL OF AN EXISTING AIR AMBULANCE SERVICE BY CONTRACT, OWNERSHIP, LEASE OR OTHER COMPARABLE ARRANGEMENT.

~~(aB)~~ "Advanced life support services" means patient care that may include any care a paramedic is qualified to provide by paramedic education that meets the educational requirements established by the Department under Section 20912 of the Code, being Section 333.20912 of the Michigan Compiled Laws, or is authorized to provide by the protocols established by the local medical control authority under Section 20919 of the Code, being Section 333.20919 of the Michigan Compiled Laws, for a paramedic.

~~(bC)~~ "Advanced life support intercept," ~~for purposes of these standards,~~ means the use of an air ambulance to provide advanced life support services to a patient at the scene of an emergency that does not involve the transport of that patient by air.

~~(eD)~~ "Air ambulance," ~~for purposes of these standards,~~ means a rotary wing aircraft that is capable of providing treatment or transportation of a patient at or from the scene of an emergency. An air ambulance may also be used for the inter-facility transport of a patient requiring AT MINIMUM advanced life support, ~~critical care support or specialty care support services.~~ The term does not include ~~either a fixed wing aircraft; or~~ an air ambulance licensed in a state other than Michigan that does not transport patients from the scene of an emergency in Michigan, except pursuant to mutual aid agreements, and which is not required to be licensed as an air ambulance under Part 209 of the Code, being Section 20901 ~~et seq.~~ of the Michigan Compiled Laws.

~~(eE)~~ "Air ambulance service" means PROVIDING AT LEAST ADVANCED LIFE SUPPORT SERVICES UTILIZING the provision of emergency medical and air medical services by means of 1 or more AN air ambulance(s) that operateS in conjunction with a base ~~of operations~~ HOSPITAL(S). ~~The service shall be capable of providing at least advanced life support services but may include the provision of critical care or specialty care support services.~~ Other functions of the service may include advanced life support intercepts, ~~search~~ ES, ~~and rescue,~~ and emergency transportation of drugs, organs, medical

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supplies, equipment or personnel. An air ambulance service may operate an additional BACK-UP air ambulance WHEN THE PRIMARY AIR AMBULANCE(S) IS NOT AVAILABLE OR FOR ~~for the purpose of a designated event with the prior notification AND APPROVAL and approval of FROM~~ the local medical control authority, ~~and the Department Division of Emergency Medical Services.~~

~~— (e) "Air medical personnel" means the patient care staff involved in the provision of an air ambulance service and shall include at least 2 members, one of which shall be a paramedic licensed in Michigan.~~

~~— (f) "Air medical service" means a service that provides air transportation to patients requiring medical care and has provisions for at least all of the following components:~~

~~— (i) written policies and procedures specifying the mission statement and levels of patient care to be provided. The level of patient care provided shall be commensurate with the education and experience of the air medical team and the capabilities of the base of operations.~~

~~— (ii) written patient care protocols including provisions for continuity of care;~~

~~— (iii) written policies and procedures that define the roles and responsibilities of all air medical team members;~~

~~— (iv) written operational policies and procedures addressing staff minimum licensure and/or certification requirements, work schedules and safety requirements;~~

~~— (v) written policies and procedures addressing the appropriate use of air ambulance services;~~

~~— (vi) a written communicable disease and infection control program;~~

~~— (vii) a written plan for dealing with situations involving hazardous materials;~~

~~— (viii) a planned and structured program for initial and continuing education and training, including didactic, clinical and in-flight, for all scheduled air medical team members appropriate for the respective duties and responsibilities;~~

~~— (ix) written policies and procedures addressing the integration of the air medical service with public safety agencies governing the primary service area including but not limited to the federal aviation administration, medical control authorities, ground emergency vehicles and disaster planning;~~

~~— (x) written policies and procedures governing the aircraft equipment and configuration, flight operations and communications;~~

~~— (xi) a quality management program; and~~

~~— (xii) a community education program.~~

~~— (g) "Air medical team" means the personnel involved in the provision of an air ambulance service including the medical, aviation, maintenance, administrative and communication functions.~~

~~— (h) "Acquisition of an existing air ambulance service" means obtaining possession or control of an existing air ambulance service by contract, ownership, lease or other comparable arrangement.~~

~~(iF) "Back-up air ambulance" means an air ambulance that is used to provide air ambulance services when the primary air ambulance is not available~~ TO PROVIDE AIR AMBULANCE SERVICES ~~for patient transports.~~ A back-up air ambulance shall not be operated at the same time as the primary aircraft for the provision of air ambulance services EXCEPT FOR A DESIGNATED EVENT.

~~(jG) "Base of operations HOSPITAL(S)" means the hospital or hospitals designated by the applicant in the CON application as the location(s) to which the majority of patient transports will be completed.~~

(H) "BASE OF OPERATIONS" MEANS THE SITE OR SITES AT WHICH THE AIR AMBULANCE(S) AND CREW ARE LOCATED FOR THE AIR AMBULANCE SERVICE.

~~(kI) "Certificate of Need Commission" or "CON Commission" means the Commission created pursuant to Section 22211 of the Code, being Section 333.22211 of the Michigan Compiled Laws.~~

~~(lJ) "Code" means Act No. 368 of the Public Acts of 1978, as amended, being Section 333.1101 et seq. of the Michigan Compiled Laws.~~

~~— (m) "Critical care support" means care provided directly by a Michigan licensed physician or registered nurse as part of the air medical personnel.~~

~~(nK) "Department" means the Michigan Department of Community Health (MDCH).~~

~~— (o) "Department inventory of air ambulances" or "Department Inventory" means the list, maintained by the Department on a continuous basis, of:~~

~~— (i) air ambulances operating pursuant to a valid CON issued under Part 222 or former Part 221 of the Code;~~

~~— (ii) air ambulances licensed and operating in Michigan for which the operation of the air ambulance~~

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109 did not require a CON; and

110 ~~— (iii) air ambulances which are not yet operational but have a valid CON issued under Part 222 or~~
111 ~~former Part 221 of the Code.~~

112 ~~The inventory shall not include back-up air ambulances.~~

113 (pL) "Designated event" means a temporary event, such as an air show, of no more than seven (7)
114 days in duration that requires the full-time on-site availability of an air ambulance.

115 (qM) "Emergency" means a condition or situation in which an individual declares a need for
116 immediate medical attention for any individual, or where that need is declared by emergency medical
117 services personnel or a public safety official, PURSUANT TO MCL 333.20904.

118 (N) "EXISTING AIR AMBULANCE" MEANS AN OPERATIONAL AIR AMBULANCE ON THE DATE
119 WHICH AN APPLICATION IS SUBMITTED TO THE DEPARTMENT.

120 (rO) "Existing air ambulance service" means an OPERATIONAL air ambulance service OR AN AIR
121 AMBULANCE SERVICE APPROVED, BUT NOT YET OPERATIONAL ~~listed on the Department~~
122 ~~inventory of air ambulances~~ on the date on which an application is submitted to the Department.

123 (sP) "Expand an air ambulance service" means increasing the number of air ambulances operated
124 by an existing air ambulance service ~~from the same base of operations.~~

125 ~~— (t) "Fixed wing aircraft," for purposes of these standards, means an aircraft licensed under~~
126 ~~Part 209 of the Code, being Section 333.20901 et seq. of the Michigan Compiled Laws, that is not a~~
127 ~~rotary wing aircraft and is capable of providing patient care according to orders issued by a patient's~~
128 ~~physician.~~

129 (uQ) "Health facility" means a health facility or agency as defined in Section 20106 of the Code,
130 being Section 333.20106 of the Michigan Compiled Laws.

131 (vR) "Hospital" means a health facility licensed under Part 215 of the Code.

132 ~~— (w) "Implementation plan" means a plan that documents how an applicant will implement and~~
133 ~~operate a proposed air ambulance service or an existing air ambulance service that is proposed to be~~
134 ~~acquired. The plan shall include documentation of at least each of the components of an air medical~~
135 ~~service including how the air ambulance service will be integrated with local medical control authority(s).~~

136 (xS) "Initiate an air ambulance service" means begin operation of an air ambulance service from a
137 base of operations that does not ~~offer~~ PROVIDE air ambulance services in compliance with Part 222 of
138 the Code and is not listed on the Department inventory of air ambulances on the date on which an
139 application is submitted to the Department. The term does not include the renewal of a lease.

140 (yI) ~~"Inter-facility transport," for purposes of these standards,~~ means the transport of a patient
141 between health facilities using an air ambulance.

142 (ZU) "Medicaid" means title XIX of the social security act, chapter 531, 49 Stat. 620, 1396r-6
143 and 1396r-8 to 1396v.

144 (AAV) "Medical control authority" means an organization designated by the Department under Section
145 20910(1)(k) TO PROVIDE MEDICAL CONTROL, PURSUANT TO MCL 333.20906, of the Code, being
146 Section 333.20910(1)(k) of the Michigan Compiled Laws.

147 (BBW) "Monitored bed" means a licensed hospital bed that has, at a minimum, the capability of
148 electronically monitoring in real time a patient's cardiac activity.

149 (CCX) ~~"Mutual aid," for purposes of these standards,~~ means a written agreement between 2 or more
150 air ambulance services for the provision of emergency medical services when an air ambulance service
151 is unable to respond to a request for a pre-hospital transport.

152 (Y) "ORGAN TRANSPORT" MEANS THE USE OF AN AIR AMBULANCE TO TRANSPORT AN
153 ORGAN(S) AND SURGICAL TRANSPLANT TEAM BETWEEN HOSPITALS FOR TRANSPLANTATION
154 PURPOSES OCCURRING IN MICHIGAN.

155 ~~— (DD) "Offer" means to make patient transports.~~

156 (EEZ) ~~"Patient transport," for purposes of these standards,~~ means the use of an air ambulance TO
157 PROVIDE AN ADVANCED LIFE SUPPORT INTERCEPT, A PRE-HOSPITAL TRANSPORT OR AN
158 INTER-FACILITY TRANSPORT OCCURRING IN MICHIGAN. ~~for the transport and treatment of a single~~
159 ~~patient for an inter-facility transport or a pre-hospital transport. The term does not include use of an air~~
160 ~~ambulance that does not involve the transport of a patient.~~

161 (FFAA) "Pre-hospital transport" means the use of an air ambulance to provide transportation and
162 advanced life support services to a patient from the scene of an emergency to a hospital.

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163 ~~—(GG) "Primary service area" means the geographic service area that is or will be authorized by an air~~
164 ~~ambulance service's license and encompasses the area(s) to which the air ambulance service will~~
165 ~~primarily make pre-hospital transports.~~

166 ~~—(HH) "Quality management program" means a planned and structured program to evaluate the~~
167 ~~appropriateness, necessity, and effectiveness of an air ambulance service.~~

168 ~~—(II) "Receiving hospital" means a hospital to which an air ambulance will transport patients.~~

169 ~~—(JJ) "Renewal of a lease" means extending the effective period of a lease for a helicopter for an~~
170 ~~existing air ambulance service that does not involve either the replacement of a helicopter or a change in~~
171 ~~the parties to the lease.~~

172 ~~(KKBB) "Replace an air ambulance" means either: an equipment change which results in an air~~
173 ~~ambulance service operating an air ambulance, other than a back-up air ambulance, with a different~~
174 ~~aircraft manufacturer's serial number, OTHER THAN A BACK-UP AIR AMBULANCE,; and an applicant~~
175 ~~operating the same number of air ambulances before and after project completion at the same base of~~
176 ~~operations; or the renewal of a lease.~~

177 ~~(LLCC) "Rotary wing aircraft" means a helicopter.~~

178 ~~(MM) "Secondary service area" means an area in which an air ambulance service will make inter-~~
179 ~~facility transports or pre-hospital transports, or may operate pursuant to mutual aid agreements.~~

180 ~~—(NN) "Specialty care support" means care provided by one or more professionals who can be added~~
181 ~~to or substituted for one of the regularly scheduled air medical personnel for the provision of specialty~~
182 ~~services.~~

183
184 (2) The definitions of Part 209 and 222 shall apply to these standards.

185
186 **Section 3. Requirements for approval ~~for applicants proposing to~~ initiate an air ambulance**
187 **service**

188
189 Sec. 3. ~~(4) An applicant proposing to initiate an air ambulance service shall: submit an implementation~~
190 ~~plan in a CON application when it is submitted to the Department.~~

191
192 ~~—(1) OPERATE ONLY ONE (1) AIR AMBULANCE.~~

193
194 ~~—(2) IDENTIFY THE BASE HOSPITAL(S) OF THE PROPOSED AIR AMBULANCE SERVICE.~~

195
196 ~~—(3) IDENTIFY THE BASE OF OPERATIONS OF THE PROPOSED AIR AMBULANCE SERVICE.~~

197
198 ~~—(4) PROVIDE A LETTER OF SUPPORT FROM THE MEDICAL CONTROL AUTHORITY FOR~~
199 ~~THE BASE OF OPERATIONS INDICATING THAT THE APPLICANT'S PROPOSED PROTOCOLS~~
200 ~~COMPLY WITH THE REQUIREMENTS OF THE MEDICAL CONTROL AUTHORITY.~~

201
202 ~~—(2) An applicant proposing to initiate an air ambulance service shall demonstrate all of the~~
203 ~~following:~~

204 ~~(a5) An applicant shall project PROJECT, in accordance with the methodology set forth in Section~~
205 ~~9, that at least 275 patient transports will be made in months 7 through 18 IN THE SECOND 12 MONTHS~~
206 ~~after beginning operation, and annually thereafter.~~

207 ~~—(b) At least 80% of the projected total number of patient transports will result in an admission to a~~
208 ~~monitored bed in a hospital or involve the transport of a patient who expires prior to admission to a~~
209 ~~hospital.~~

210 ~~—(c) An application proposes to operate only 1 rotary wing aircraft.~~

211 ~~(d6) An applicant shall demonstrate, in its application on the date it is submitted to the Department,~~
212 ~~DEMONSTRATE that all existing air ambulance services with a base of operations within a 75-mile radius~~
213 ~~of the base of operations of the proposed air ambulance service have been notified of an-THE applicant's~~
214 ~~intent to initiate an air ambulance service. An applicant shall demonstrate, by means of the date on a~~
215 ~~certified mail return receipt, DATED BEFORE THE DEEMED COMPLETE DATE OF THE~~
216 ~~APPLICATION, that such notice was given to each service at least 45 days prior to the date an~~

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application is submitted to the Department.

Section 4. Requirements for approval ~~for applicants proposing to expand an air ambulance service~~

Sec. 4. An applicant proposing to expand an air ambulance service shall: ~~demonstrate each of the following:~~

~~(a1) An average of at least 600 patient transports for each existing air ambulance was made during~~
DEMONSTRATE THAT IN the most recent 12-month period for which verifiable data are available to the Department, THE AIR AMBULANCE SERVICE MET ONE (1) OF THE FOLLOWING:

(A) 600 PATIENT TRANSPORTS AND ORGAN TRANSPORTS FOR AN AIR AMBULANCE SERVICE EXPANDING TO TWO (2) AIR AMBULANCES, OF WHICH 275 MUST BE PATIENT TRANSPORTS;

(B) 1,200 PATIENT TRANSPORTS AND ORGAN TRANSPORTS FOR AN AIR AMBULANCE SERVICE EXPANDING TO THREE (3) AIR AMBULANCES, OF WHICH 550 MUST BE PATIENT TRANSPORTS;

(C) 1,800 PATIENT TRANSPORTS AND ORGAN TRANSPORTS FOR AN AIR AMBULANCE SERVICE EXPANDING TO FOUR (4) AIR AMBULANCES, OF WHICH 825 MUST BE PATIENT TRANSPORTS.

~~— (b) An applicant shall project, in accordance with the methodology set forth in Section 9, that the number of patient transports to be made in the months 7 through 18 after beginning operation of an additional air ambulance, and annually thereafter, is equal to or greater than 600 multiplied by the existing number of air ambulances plus 200. For example, an air ambulance service with 1 air ambulance shall project that at least 800 patients transports (600 x 1 + 200 = 800) will be made in months 7 through 18 after beginning operation of the additional air ambulance.~~

~~— (c) An applicant proposes the addition of 1 air ambulance.~~

~~— (d) An applicant, approved under these standards, shall demonstrate that, at the time an application is submitted to the Department to expand an air ambulance service, an applicant is in compliance with each of the project delivery requirements set forth in Section 8 of these standards, if such application is filed subsequent to 24 months after the date a CON is approved pursuant to these standards.~~

(2) IDENTIFY THE EXISTING BASE OF OPERATIONS OF THE AIR AMBULANCE SERVICE.

(3) IDENTIFY ANY PROPOSED BASE OF OPERATIONS AND DEMONSTRATE THAT THE PROPOSED BASE OF OPERATIONS IS WITHIN THE SAME MEDICAL CONTROL AUTHORITY AS THE EXISTING BASE OF OPERATIONS.

(4) IDENTIFY THE EXISTING AND PROPOSED BASE HOSPITAL(S) OF THE AIR AMBULANCE SERVICE.

Section 5. Requirements for approval ~~for applicants proposing to replace an air ambulance~~

Sec. 5. An applicant proposing to replace an existing air ambulance shall: ~~demonstrate either of the following, as applicable:~~

~~(a1) An air ambulance service that operates 1 air ambulance shall demonstrate that at least 275 patient transports were made in~~
DEMONSTRATE THAT IN the most recent 12-month period for which verifiable data are available to the Department, THE AIR AMBULANCE SERVICE MET ONE (1) OF THE FOLLOWING:-

(A) 275 PATIENT TRANSPORTS FOR AN AIR AMBULANCE SERVICE WITH ONE (1) AIR AMBULANCE;

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(B) 600 PATIENT TRANSPORTS AND ORGAN TRANSPORTS FOR AN AIR AMBULANCE SERVICE WITH TWO (2) AIR AMBULANCES, OF WHICH 550 MUST BE PATIENT TRANSPORTS;
(C) 1,200 PATIENT TRANSPORTS AND ORGAN TRANSPORTS FOR AN AIR AMBULANCE SERVICE WITH THREE (3) AIR AMBULANCES, OF WHICH 825 MUST BE PATIENT TRANSPORTS;
(D) 1,800 PATIENT TRANSPORTS AND ORGAN TRANSPORTS FOR AN AIR AMBULANCE SERVICE WITH FOUR (4) AIR AMBULANCES, OF WHICH 1,100 MUST BE PATIENT TRANSPORTS.

~~— (b) An air ambulance service that operates 2 or more air ambulances shall demonstrate that the number of patient transports made in the most recent 12-month period for which verifiable data are available to the Department was equal to or greater than the number of patient transports required in Section 4(b) applicable to the number of air ambulances operated by an applicant.~~

~~(e2) An applicant proposing to replace an air ambulance that does not involve a renewal of a lease shall demonstrate that the~~ DEMONSTRATE THAT THE existing helicopter AIR AMBULANCE ~~to be replaced is fully depreciated according to generally accepted accounting principles, or that the replacement helicopter AIR AMBULANCE offers significant technological improvements which enhance safety or quality of care, increases efficiency, or reduces operating costs.~~

~~— (d) An applicant, approved under these standards, shall demonstrate that, at the time an application to replace an air ambulance is submitted to the Department, an applicant is in compliance with each of the project delivery requirements set forth in Section 8 of these standards, if such application is filed subsequent to 24 months after the date a CON is approved pursuant to these standards.~~

(3) IDENTIFY THE EXISTING BASE OF OPERATIONS OF THE AIR AMBULANCE SERVICE.

(4) IDENTIFY THE EXISTING BASE HOSPITAL(S) OF THE AIR AMBULANCE SERVICE.

(5) ASSERT THAT THE AIR AMBULANCE TO BE REPLACED SHALL BE REMOVED FROM OPERATION AT THE APPLICANT'S AIR AMBULANCE SERVICE OR DESIGNATED AS A BACK-UP AIR AMBULANCE.

Section 6. Requirements for approval ~~for applicants proposing to acquire an existing air ambulance service~~

Sec. 6. An applicant proposing to acquire an existing air ambulance service shall ~~demonstrate that it meets all of the following:~~

~~— (a) The project is limited solely to the acquisition of an existing air ambulance service.~~

~~— (b) The project will not result in an increase in the number of air ambulances listed on the Department inventory of air ambulances at the base of operations of the air ambulance service being acquired unless the applicant demonstrates that the project is in compliance with the requirements of Section 4, as applicable.~~

~~— (c) The project will not result in the replacement of the air ambulance(s) operated by the air ambulance service to be acquired unless the applicant demonstrates that the project is in compliance with the requirements of Section 5, as applicable.~~

~~(d1) all air ambulances at the base of operations to be acquired are listed on the Department inventory of air ambulances on the date on which an application is submitted to the Department and the acquisition shall not result in a change in the base of operations.~~ DEMONSTRATE THAT IN THE MOST RECENT 12-MONTH PERIOD FOR WHICH VERIFIABLE DATA ARE AVAILABLE TO THE DEPARTMENT, THE AIR AMBULANCE SERVICE MET ONE (1) OF THE FOLLOWING:

(A) 275 PATIENT TRANSPORTS FOR AN AIR AMBULANCE SERVICE WITH ONE (1) AIR AMBULANCE;

(B) 600 PATIENT TRANSPORTS AND ORGAN TRANSPORTS FOR AN AIR AMBULANCE SERVICE WITH TWO (2) AIR AMBULANCES, OF WHICH 550 MUST BE PATIENT TRANSPORTS;

(C) 1,200 PATIENT TRANSPORTS AND ORGAN TRANSPORTS FOR AN AIR AMBULANCE SERVICE WITH THREE (3) AIR AMBULANCES, OF WHICH 825 MUST BE PATIENT TRANSPORTS;

(D) 1,800 PATIENT TRANSPORTS AND ORGAN TRANSPORTS FOR AN AIR AMBULANCE

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SERVICE WITH FOUR (4) AIR AMBULANCES, OF WHICH 1,100 MUST BE PATIENT TRANSPORTS.

~~— (e) An applicant agrees to operate the air ambulance service in accordance with all applicable project delivery requirements set forth in Section 8 of these standards.~~

~~— (f) An applicant shall submit an implementation plan in the CON application on the date on which it is submitted to the Department.~~

(2) IDENTIFY THE EXISTING BASE OF OPERATIONS OF THE AIR AMBULANCE SERVICE.

(3) IDENTIFY ANY PROPOSED BASE OF OPERATIONS AND DEMONSTRATE THAT THE PROPOSED BASE OF OPERATIONS IS WITHIN THE SAME MEDICAL CONTROL AUTHORITY AS THE EXISTING BASE OF OPERATIONS.

(4) IDENTIFY THE EXISTING AND PROPOSED BASE HOSPITAL(S) OF THE AIR AMBULANCE SERVICE.

(5) PROVIDE A LETTER OF SUPPORT FROM THE MEDICAL CONTROL AUTHORITY FOR THE BASE OF OPERATIONS INDICATING THAT THE APPLICANT'S PROPOSED PROTOCOLS COMPLY WITH THE REQUIREMENTS OF THE MEDICAL CONTROL AUTHORITY.

Section 7. Requirements for approval — FOR all applicants

~~Sec. 7. (1) An applicant shall identify the primary and secondary service areas in which the existing or proposed air ambulance service will or does operate.~~

~~— (2) An applicant shall identify the base of operations of the existing or proposed air ambulance service in its application.~~

~~— (3) An applicant shall provide verification of Medicaid participation. AN APPLICANT THAT IS A NEW PROVIDER NOT CURRENTLY ENROLLED IN MEDICAID SHALL CERTIFY THAT PROOF OF MEDICAID PARTICIPATION WILL BE PROVIDED TO THE DEPARTMENT WITHIN SIX (6) MONTHS FROM THE OFFERING OF SERVICES, IF A CON IS APPROVED. -at the time the application is submitted to the Department. If the required documentation is not submitted with the application on the designated application date, the application will be deemed filed on the first applicable designated application date after all required documentation is received by the Department.~~

Section 8. Project delivery requirements--terms of approval for all applicants

Sec. 8. (1) An applicant shall agree that, if approved, the services provided by the air ambulance service shall be delivered in compliance with the following terms of CON approval:

(a) Compliance with these standards.

(b) Compliance with applicable state and federal safety, operating, and licensure standards.

(c) COMPLIANCE WITH ~~An approved air ambulance service shall operate in accordance with~~ applicable local medical control authority protocols for scene responses by air ambulances.

(D) AN AVERAGE OF 275 PATIENT TRANSPORTS ANNUALLY FOR EACH EXISTING AIR AMBULANCE.

~~(dE)~~ Compliance with EITHER OF the following quality assurance standards:

~~— (i) An approved air ambulance shall be operating at the applicable required volumes within the time periods specified in these standards, and annually thereafter.~~

~~(iii) THE APPLICANT SHALL BE An applicant shall operate an air medical service. For purposes of evaluating this subsection, the Department shall consider it prima facie evidence of meeting this requirement if an applicant submits evidence that an air ambulance service is accredited as an air AMBULANCE medical service by the Commission on the Accreditation of Air Medical TRANSPORT SYSTEMS Services(CAMTS) within 2 years of beginning operation; OR of an air ambulance service approved under these standards~~

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379 (II) THE APPLICANT SHALL MAINTAIN THE FOLLOWING:—However, an applicant may
380 submit and the Department may accept other evidence that an applicant operates an air medical service.

381 (A) WRITTEN POLICIES AND PROCEDURES SPECIFYING THE LEVELS OF PATIENT CARE
382 TO BE PROVIDED. THE LEVEL OF PATIENT CARE PROVIDED SHALL BE COMMENSURATE WITH
383 THE EDUCATION AND EXPERIENCE OF THE STAFF AND THE CAPABILITIES OF THE BASE
384 HOSPITALS.

385 (B) WRITTEN PATIENT CARE PROTOCOLS INCLUDING PROVISIONS FOR CONTINUITY OF
386 CARE;

387 (C) WRITTEN POLICIES AND PROCEDURES THAT DEFINE THE ROLES AND
388 RESPONSIBILITIES OF ALL STAFF MEMBERS;

389 (D) WRITTEN POLICIES AND PROCEDURES ADDRESSING THE APPROPRIATE USE OF AIR
390 AMBULANCE SERVICES;

391 (E) A WRITTEN COMMUNICABLE DISEASE AND INFECTION CONTROL PROGRAM;

392 (F) A WRITTEN PLAN FOR DEALING WITH SITUATIONS INVOLVING HAZARDOUS
393 MATERIALS;

394 (G) A PLANNED AND STRUCTURED PROGRAM FOR INITIAL AND CONTINUING EDUCATION
395 AND TRAINING, INCLUDING DIDACTIC, CLINICAL AND IN-FLIGHT, FOR ALL SCHEDULED STAFF
396 MEMBERS APPROPRIATE FOR THE RESPECTIVE DUTIES AND RESPONSIBILITIES;

397 (H) WRITTEN POLICIES AND PROCEDURES ADDRESSING THE INTEGRATION OF THE AIR
398 AMBULANCE SERVICE WITH PUBLIC SAFETY AGENCIES GOVERNING THE BASE HOSPITALS
399 INCLUDING BUT NOT LIMITED TO THE FEDERAL AVIATION ADMINISTRATION, MEDICAL
400 CONTROL AUTHORITIES, GROUND EMERGENCY VEHICLES AND DISASTER PLANNING;

401 (I) A QUALITY MANAGEMENT PROGRAM;

402 (J) A CLINICAL DATA BASE FOR UTILIZATION REVIEW AND QUALITY ASSURANCE
403 PURPOSES; AND

404 (K) PROCEDURES TO SCREEN PATIENTS TO ASSURE APPROPRIATE UTILIZATION OF THE
405 AIR AMBULANCE SERVICE.

406
407 ~~(iii) An applicant shall:~~

408 ~~— (A) establish an air medical team;~~

409 ~~— (B) develop a clinical data base for utilization review and quality assurance purposes; and~~

410 ~~— (C) screen patients to assure appropriate utilization of the air ambulance service.~~

411 ~~(iv) At a minimum, an air medical team shall include the following personnel, employed directly by~~
412 ~~the applicant or on a contractual basis, who shall be appropriately trained and licensed:~~

413 ~~— (A) an air medical service director whose responsibilities shall include assuring that all patients~~
414 ~~receive services appropriate for their needs;~~

415 ~~— (B) a medical director of the air medical service who shall be a physician licensed in Michigan and~~
416 ~~shall have appropriate training and familiarity with the appropriate use of air ambulance services;~~

417 ~~— (C) communication personnel;~~

418 ~~— (D) appropriately trained patient care personnel including but not limited to: physicians, registered~~
419 ~~nurses, emergency medical technicians, and paramedics;~~

420 ~~— (E) a clinical care supervisor;~~

421 ~~— (F) flight operations and aviation personnel;~~

422 ~~— (G) maintenance personnel; and~~

423 ~~— (H) on all pre-hospital transports, a paramedic licensed in Michigan.~~

424 ~~— (v) An applicant shall maintain an individual record of service maintenance on each air ambulance~~
425 ~~operated by the approved service.~~

426 ~~(viF) All approved air ambulances shall be COMPLIANCE WITH STAFFING AND equipped, at a~~
427 ~~minimum, with the essential equipment as required by Part 209 of the Code, being Section 20901 et seq.~~
428 ~~of the Michigan Compiled Laws.~~

429 ~~— (e) Compliance with the following requirements:~~

430 ~~(iG) An applicant shall respond COMPLIANCE WITH , or ensure a response, to all appropriate~~
431 ~~requests for services for all pre-hospital transports within its primary service area.~~

432 ~~(iiH) An applicant, to assure ASSURANCE that an air ambulance service will be utilized by all~~

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segments of the Michigan population, shall:

(A) not deny air ambulance services to any individual based on ability to pay or source of payment;

(B) provide air ambulance services to any individual based on the clinical indications of need for the service; and

~~(C) maintain information by payor and non-paying sources to indicate the volume of care from each source provided annually.~~

~~Compliance with selective contracting requirements shall not be construed as a violation of this term.~~

(iii) An applicant shall participate PARTICIPATION in a data collection network established and administered by the Department or its designee. The data may include, but is not limited to: annual budget and cost information; operating schedules; through-put schedules; demographic and diagnostic information; the volume of care provided to patients from all payor sources; and other data requested by the Department. The applicant shall provide the required data on a separate basis for each separate and distinct site, as required by the Department; in a format established by the Department; and in a mutually agreed upon media. The Department may elect to verify the data through on-site review of appropriate records.

~~(iv) An air ambulance to be replaced shall be removed from service.~~

(v) The applicant shall provide PROVISION OF NOTICE TO the Department with a notice stating the date the new, additional, or replacement air ambulance, is placed in operation and such notice shall be submitted to the Department consistent with applicable statute and promulgated rules.

(vi) An applicant shall participate PARTICIPATION in Medicaid at least 12 consecutive months within the first two years of operation and continue to participate annually thereafter.

~~(2) The operation of and referral of patients to an air ambulance service shall be in conformance with 1978 PA 368, Sec. 16221, as amended by 1986 PA 319; MCL 333.16221; MSA 14.15 (16221).~~

(3) The agreements and assurances required by this section shall be in the form of a certification ~~authorized by the governing body of~~ AGREED TO BY the applicant or its authorized agent.

Section 9. Methodology for ~~computing projected~~ PROJECTING patient transports

Sec. 9. An applicant required to project patient transports shall compute projected patient transports AS FOLLOWS: ~~in accordance with subsection (1) or (2), as applicable. In computing projected patient transports, an applicant shall consider weather and maintenance and training requirements on the ability to transport patients by air ambulance.~~

~~(1) An applicant proposing to initiate an air ambulance service shall:~~

(a) Identify the BASE receiving-hospital(S) ~~or hospitals~~ to which patient transports will be completed by the proposed air ambulance service.

(b) IN ORDER TO INCLUDE DATA FROM ANY HOSPITAL, AN APPLICANT SHALL DOCUMENT IN THE APPLICATION EACH HOSPITAL'S INTENT TO UTILIZE THE PROPOSED AIR AMBULANCE SERVICE. For each hospital ~~in the proposed primary and secondary service areas~~ from which patients will be transported to the receiving A BASE hospital(s) ~~identified in subsection (a)~~, document each of the following:

(i) The number of patients that were transferred to each BASE receiving-hospital and either admitted to a monitored bed or expired prior to admission during the most recent 12-month period preceding the date on which an application is submitted to the Department. ~~In order to include data from any hospital, an applicant shall document in the application each hospital's intent to utilize the proposed air ambulance service.~~

(ii) The number of patients identified in subdivision (i) that were transferred by ground transportation.

(iii) The number of patients identified in subdivision (ii) for which air transport would have been appropriate. AND FOR WHICH AN EXISTING AIR AMBULANCE SERVICE WITHIN A 75-MILE RADIUS WAS UNAVAILABLE FOR REASONS OTHER THAN WEATHER.

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487
488 (e3) An applicant shall document the number of patients transferred from the scene of an emergency
489 by ground transport to the ~~receiving-BASE~~ hospital(s) FOR WHICH AIR TRANSPORT WOULD HAVE BEEN
490 APPROPRIATE AND FOR WHICH AN EXISTING AIR AMBULANCE SERVICE WITHIN A 75-MILE RADIUS
491 WAS UNAVAILABLE FOR REASONS OTHER THAN WEATHER AND THE PATIENTS WERE EITHER
492 ADMITTED TO A MONITORED BED OR EXPIRED PRIOR TO ADMISSION during the most recent 12-
493 month period preceding the date on which an application is submitted to the Department ~~for which air~~
494 ~~transport would have been appropriate.~~

495
496 (d4) The projected number of patient transports shall be the sum of the results of subsections
497 (b2)(iiiC) and (e3).

498
499 ~~— (2) An applicant proposing to expand an existing air ambulance service shall:~~

500 ~~— (a) Document the actual number of patient transports made during the most recent 12-month~~
501 ~~period preceding the date on which an application is submitted to the Department.~~

502 ~~— (b) If the actual number of patient transports identified in subsection (a) is less than the number~~
503 ~~required to be projected pursuant to Section 4 of these standards, document the number of requests for~~
504 ~~patient transport that were denied during the most recent 12-month period preceding the date on which~~
505 ~~an application is submitted to the Department due to the unavailability of an existing air ambulance(s) for~~
506 ~~reasons other than weather.~~

507 ~~— (c) If the sum of the results of subsections (a) and (b) is less than the number of patient transports~~
508 ~~required to be projected pursuant to Section 4 of these standards, the additional number of projected~~
509 ~~patient transports necessary to demonstrate compliance with the minimum volume required by Section 4~~
510 ~~of these standards shall be computed in accordance with subsection (1).~~

511 ~~— (d) The projected number of patient transports shall be the sum of the results of subsections (a),~~
512 ~~(b) and (c), as applicable.~~

513 514 **Section 10. Department Inventory of Air Ambulances**

515
516 ~~— Sec. 10. Appendix A sets forth the air ambulances listed on the Department Inventory of Air~~
517 ~~Ambulances as of the effective date of these standards. Modification to Appendix A shall be made by the~~
518 ~~Department pursuant to decisions on CON applications and Certificates of Need.~~

519 520 **Section 4410. Effect on Prior CON Review Standards; Comparative reviews**

521
522 Sec. 4410. (1) These CON review standards supersede and replace the CON Review Standards
523 for Air Ambulance Services approved by the CON Commission on ~~April 19, 1995~~ MARCH 9, 2004 and
524 effective on ~~June 9, 1995~~ JUNE 4, 2004.

525
526 (2) Projects reviewed under these standards shall not be subject to comparative review.

DEPARTMENT INVENTORY OF AIR AMBULANCES

<u>Air Ambulance Service</u> <u>City (County)</u>	<u>Number of</u> <u>Air Ambulances*</u>	<u>Base of</u> <u>Operations</u>
Butterworth AeroMed Grand Rapids (Kent)	1	Butterworth Hospital
Flight Care Saginaw (Saginaw)	1	St. Mary's Med Ctr
LifeNet Saginaw, (Saginaw)	1	Covenant Medical Center -- Cooper
Midwest MEDFLIGHT Ypsilanti (Washtenaw)	1	St. Jos. Mercy Hosp--Ann Arbor Children's Hosp of MI Detroit Receiving Hospital and University Health Center Hutzel Hospital Harper Hospital
North Flight Traverse City (Gr. Traverse)	1	Munson Med Ctr
Promedica Continuing Care Services Corp. Toledo, OH	1	Toledo Hospital
St. Vincent Med Ctr Toledo, OH	2	St. Vincent Med Ctr
Survival Flight Ann Arbor (Washtenaw)	2	University of Michigan Hospitals
West Michigan Air Care Kalamazoo (Kalamazoo)	1	Borgess Med Ctr Bronson Meth Hosp

*Does not include back up air ambulances